



DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
PIEDMONT BRANCH
1590 ADAMSON PARKWAY, SUITE 200
MORROW, GEORGIA 30260-1777

JUN 20 2007

Regulatory Division
200700833

JOINT PUBLIC NOTICE
Savannah District/State of Georgia

The Savannah District has received an application for a Department of the Army Permit, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), as follows:

Application Number: 200700833

Applicant: Crossroads at 400, LLC
Attention: Mr. Jack Clamon
4725 Peachtree Corners Circle, Suite 300
Norcross, Georgia 30092

Agent: Acer Environmental, Inc.
Attention: Mr. J. Patrick Barber
1325 Capital Circle, Suite C
Lawrenceville, Georgia 30043

Location of Proposed Work: The proposed work is located at latitude 34° 15' 58.9" North and longitude 84° 5' 28.5" West, approximately one-quarter mile north, north-west of the intersection of Georgia Highway 400 and Georgia Highway 369, bordering the north side of Highway 369 in the City of Coal Mountain, Forsyth County, Georgia.

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers: The Crossroads at 400, LLC proposes to construct a retail development on an 8.3-acre site. The proposed development will include several retail shops, restaurants, surface parking areas, a storm water treatment system, and landscaped islands and buffers. The total building area for the retail stores and shops is approximately 45,000 square feet. The proposed project would consist of permanently impacting a total of 745 linear feet of intermittent stream and 0.228 acre of wetlands. The impacts to 745 linear feet of stream will result from piping to allow for the requirements of this proposed development and filling will occur in the 0.228 acre of wetlands.

The 8.3-acre site is located in the Central Upland District of the Upland Georgia Subsection of the Southern Piedmont Section. The area is transitional between the Mixed Deciduous Forest

and the Evergreen Forest Region and the site is completely forested with mixed pine-hardwood stands. The applicant indicated that the formerly pure stands of upland deciduous forest have been greatly modified by development of the land surrounding the subject site. The site is located in the Upper Chattahoochee watershed, which is part of the Apalachicola-Chattahoochee-Flint River drainage basin. Field investigation revealed Jurisdictional Waters of the U.S. exist within the project corridor and they consist of two jurisdictional wetlands, and two streams which are tributaries to Baldridge Creek.

The applicant indicated that on-site mitigation was examined and determined to be unfeasible because there are no other jurisdictional areas on this site. The applicant further indicated that off-site mitigation was also investigated, but quickly deemed not feasible based on insurmountable land cost and the additional cost of implementing the preservation/restoration activities required for mitigation credits. The applicant proposes to mitigate for impacts to the 745 linear feet of stream and 0.228 acre of wetlands by purchasing 3,166.25 stream credits and 1.50 wetland credits from an approved mitigation bank servicing the project area.

A review and analysis of the market area indicates that there are few alternative sites to consider that can meet the market-based criteria for the project purpose. The applicant indicated that the proposed development is dependant on the big box development that is being constructed on the property behind the proposed site, but provided four alternative site analysis: (1) This site is located opposite the target property on the southern side of Highway (Hwy) 369. This site is bordered by Baldridge Creek with unnamed tributaries and several wetlands present. These jurisdictional areas along with their associated buffers consume a considerable amount of acreage and decrease the overall available amount of developable spaces. (2) This site is located south of the target property and lies on the northwest corner of the intersection of Hwy 400 and Hwy 306. This site is privately owned and after numerous approaches to purchase the property the owner indicates a lack of interest in selling the property. (3) This site is located northeast of the target property and lies on the northwest corner of the intersection of Hwy 400 and Martin Road. This site has numerous streams and wetlands and does not provide the amount of developable space required by this development. It also does not have direct access to a state highway, which the applicant indicates is one of the main requirements of the development. (4) This site is located northeast of the target property and lies south of the intersection of Hwy 400 and Martin Road. The site has location concerns with traffic congestion and does not have the requisite utility service available for this development.

The applicant's alternative analysis of the various sites and their preferred site does not address any avoidance or minimization measures taken during design of the project for environmental impacts to the streams and wetlands on the project site. No stormwater or water quality management plans were provided with this application to address impacts and/or effects to jurisdictional waters of the US.

Prior to the approval of the purchase of credits from a commercial mitigation bank, the applicant must demonstrate through documentation to the US Army Corps of Engineers that the

option of on-site and off-site mitigation within basin has been thoroughly investigated, with no potential sites located.

BACKGROUND

This Joint Public Notice announces a request for authorizations from both the US Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local Governmental approval.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required by an applicant for a Federal Permit to conduct an activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for public use at a charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can also be seen in the Savannah District US Army Corps of Engineers, Regulatory Branch, Piedmont Branch, 1590 Adamson Parkway, Suite 200, Morrow, Georgia.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia which may be in the form of a license, easement, lease, permit, or other appropriate instrument.

US ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

Cultural Resources Assessment: Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, we request the Georgia Historical Preservation Division (HPD) or any other interested party review the latest published version of the National Register of Historic Places (NRHP) to determine if the property has or has not any registered properties or properties listed as eligible for inclusion located at the site or in the area affected by the proposed work. Presently unknown archaeological, scientific, prehistorical, or historical data may be located at the site and could be affected by the proposed work.

The applicant states: A Phase I Cultural Resources Survey was conducted by Brockington & Associates, Inc. on the project site. On May 3, 2007, the US Army Corps of Engineers' District Archaeologist concurred with the report dated April 2007, "Cultural Resources Survey of the Crossroads at 400 Tract." On May 15, 2007, The Georgia Department of Natural Resources, Historic Preservation Division also concurred with the report.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we request from the US Department of the Interior, Fish and Wildlife Service and the US Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, or any other interested party, information on whether any species listed or proposed for listing may be present in the area.

The applicant states: A protected plant and animal terrestrial survey was conducted in the area associated with this project and no protected species were observed. The potential presence of threatened and endangered species of plants or animals within jurisdictional areas associated with the project area is extremely low.

Public Interest Review: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

Consideration of Public Comments: The US Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the US Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Application of Section 404(b)(1) Guidelines: The proposed activity involves the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation

of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army Permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Savannah District, US Army Corps of Engineers, Piedmont Branch, Attention: Mr. Greg Cardwell, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777, no later than 30 days from the date of this notice. Please refer to the applicant's name (Crossroads at 400, LLC) and the application number (200700833) in your comments.

If you have any further questions concerning this matter, please contact Mr. Greg Cardwell at (678) 422-6571.

Enclosures

1. Figure 1: Location Map
2. Figure 2: Preferred Site-Topographic Map
3. Figure 3: Preferred Site-Aerial Photograph
4. Figure 4: Alternative Site-Topographic Map
5. Figure 5: Alternative Site-Aerial Photograph
6. Figure 6: Conceptual Site Plan
7. Figure 7: Jurisdictional Areas Impacts Plan